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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 14-0306 WHA
	)	CR 08-0222 WHA
Plaintiff,	)	
	)	
v.	)	UNITED STATES' RESPONSE REGARDING
	)	FORM 12
LUKE D. BRUGNARA,	)	
	)	
Defendant.	)	

On May 19, 2015, this Court ordered the parties to show cause why the Form 12 record should not be deemed closed. Dkt. 628. The government believes it should be closed. This Court held a hearing in June 2014 and then heard the extensive evidence at trial that overlaps with the facts alleged in the Form 12. Defendant has been afforded the procedures required by Rule 32.1(b)(2), including the opportunity to present evidence, question any adverse witness, and make a statement.

Further, the Court should find that defendant violated the terms of his supervised release by committing a new federal crime, as alleged in Charge One of the Form 12, and revoke his supervision. 08-0222 WHA Dkt. 247. The standard for revocation is preponderance of the evidence. 18 U.S.C. § 3583(e)(3). As the jury found in convicting defendant on Counts Two, Four, and Five of the Second

Superseding Indictment in 14-0306, the evidence at trial established beyond a reasonable doubt that defendant committed the fraud described in Charge One of the Form 12.

Respectfully submitted,

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United States Attorney

DATED: June 2, 2015

/s/  
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